

# United States Court of Appeals For the First Circuit

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No. 16-2444

JWAINUS PERRY,

Plaintiff - Appellant,

v.

LUIS S. SPENCER, Commissioner; THOMAS DICKAUT, Former Superintendent; ANTHONY MENDOSA, Former Deputy of Classification; JAMES SABA, Superintendent; ABBE NELLIGAN, Deputy of Classification; PATRICK TOOLIN, Correctional Program Officer; KRISTIE LADOUCCER; CAROL MICI; THOMAS NEVILLE,

Defendants - Appellees,

JENS SWANSON, Property Officer,

Defendant.

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Before

Howard, Chief Judge,  
Lynch, Thompson, Kayatta, Barron and Gelpí,  
Circuit Judges,

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## ORDER OF COURT

Entered: January 3, 2022

A majority of the active judges who are not disqualified have voted to hear this case en banc. Accordingly, the petition for rehearing en banc is granted. In accordance with customary practice, the panel opinion released on August 29, 2018 is withdrawn, and the judgment entered the same date is vacated. See 1st Cir. I.O.P. X(D).

The en banc court will have copies of the parties' previously filed briefs. The parties are also directed to file simultaneous supplemental briefs on or before February 3, 2022. Such briefs should not exceed 30 pages, and shall otherwise comply with applicable rules concerning format, service and other requirements.

Amici are welcome to file amicus briefs, also not to exceed 30 pages per brief, no later than 7 days after the principal supplemental briefs are filed, but must seek prior leave of court.

Any reply supplemental briefs must be filed by the parties no later than 21 days after the amici briefing deadline. Reply briefs are limited to 15 pages.

The en banc court will conduct oral argument remotely in this case on Friday, April 8, 2022, at 10:00 a.m.

By the Court:

Maria R. Hamilton, Clerk

cc:

Jwainus Perry

Alexis Garmey Chardon

Daniel Greenfield

Sheryl Grant

Jenipher R. Jones

Ilya Shapiro

Matthew R Segal

John Joseph Butts

Josefina B. Garcia